

ORDINANCE NO. 2021-09

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-10, "ADVISORY BOARDS," OF CHAPTER 2 OF THE VILLAGE CODE OF ORDINANCES RELATING TO ADVISORY BOARD ADMINISTRATION AND BOARD MEMBER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Key Biscayne ("Village") desires to standardize provisions relating to advisory board administration and board member requirements for all Village boards created pursuant to Section 2-10, "Advisory Boards" of the Village Code of Ordinances; and

WHEREAS, the Village Council finds that adoption of this Ordinance is in the best interest and welfare of the Village and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending Section 2-10, "Advisory Boards" of the Village Code. That Section 2-10, "Advisory Boards" of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 2 – ADMINISTRATION

Article I. – IN GENERAL

Section 2-10. - Advisory Boards.

- (a) Pursuant to Village Charter Section 4.12, the Village Council shall establish such advisory boards, committees, bodies (the "boards") as it may deem advisable. All boards so established shall serve only in an advisory capacity to the Village Council and report directly to the Village Council and ~~not to~~ inform the Village Manager. Unless otherwise provided by law, appointees to all boards shall serve at the pleasure of the Village Council. Appointees may be removed from their appointive position upon motion of the Mayor or any member of the Village Council and upon vote of removal by a majority of the members of the Village Council. If directed by the Village Council, the Village Manager shall assign

¹ Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

a Village staff liaison to each board to provide information, guidance, and such other assistance that may be necessary for the board. No board or board member shall direct or interfere with a Village staff liaison's full-time employment duties.

- (b) Pursuant to Village Charter Section 2.02(a), the Mayor shall appoint members of the boards with the approval of the Village Council. Pursuant to Section 4.02(c) of the Village Charter, no Councilmember shall hold any appointive office on any board. However, Councilmembers may serve on such board only as an ex officio, non-voting member if provided by the ordinance establishing the board. Further, it is recognized that the restrictions upon Councilmembers as described above in this paragraph (b), are not applicable to committees of the Council which are composed solely of two or more members of the Village Council, since Section 2.02(a) of the Charter authorizes the Mayor to name committees of the Council.
- (c) Pursuant to Section 4.03(1) of the Village Charter, boards shall be established, altered or abolished by ordinance adopted by the Village Council. The ordinance establishing the specific board may provide for the board to serve for a perpetual or indefinite term or may provide for the board to serve for a limited duration and ~~may~~ shall include an appropriate sunset provision.
- (d) The ordinance which establishes the specific board shall provide for the number and qualification of board members, the procedure for nominating board members, the length of term of office of board members, rules of procedure for the board, and the duties and responsibilities of the board, and such other matters determined to be appropriate by the Village Council. Notwithstanding the foregoing, in no event shall: (i) the membership of any board exceed seven members; and (ii) board members be appointed for a term of office greater than two years. However, board members may be reappointed to additional terms of office by the Mayor for a maximum of eight years, subject to Village Council approval. Existing board members that have served eight consecutive years as of December 7, 2021, may be reappointed for one additional two year term. ~~The membership requirement shall apply retroactively to all boards, with the exception of the 2040 Strategic Vision Plan Board. After the expiration of terms for the initial members of the 2040 Strategic Vision Plan Board, the board shall consist of no more than seven members.~~
- (e) Unless otherwise provided by the ordinance which establishes a specific board, board reports which are presented to the Council shall include the following components:
 - (1) *Name*. The name of the board making the report, a listing of officers, an attendance table including members and any other person(s) who attended the meetings, all agendas, minutes, staff reports, and any other documents that were reviewed by the board. This information may be compiled in a separate document.
 - (2) *Methodology*. The report shall include a description of the way in which the board undertook its charge.
 - (3) *Facts found*. The report shall include the facts uncovered or information obtained.
 - (4) *Recommendations*. The report shall include the recommendations of the board, preferably in a form suitable for framing of a motion for the Village Council to consider.
 - (5) *Timing of report*. Boards shall submit an annual progress report to the Village Council at the first Council meeting in December of each year. The annual progress report shall

include a listing of the boards' work program for the following calendar year. The boards' work program shall be subject to approval by the Village Council. Those boards of limited duration which have completed their work prior to the December timeframe set forth above, shall earlier present their report to the Council once their assigned work has been completed. In addition, the ~~Chair~~ Chairperson or designated member(s) of each board shall provide a quarterly verbal report to the Village Council which addresses the progress that the board has made in completing the board's work program. The quarterly progress reports shall be presented at the first Village Council meeting in each of the following months: March, June and September. The annual progress report in December shall serve as the progress report for that quarter. As background information for the quarterly reports of the board, Village staff shall provide the Village Council with an attendance chart of the board, board agendas, board minutes, the yearly work program of the board, and a list of the accomplishments that the board has achieved during the prior quarter.

(6) *Signatures.* All members of the board who concur with the report must sign the report. The ~~chair~~ Chairperson may sign the report only if a majority of the members of the board approve the report and authorize the ~~Chairman~~ Chairperson to sign. Those members who do not concur with the report shall be listed as dissenting members. The dissenting members may submit their own report(s) in the same format as presented above.

(7) *Resolution.* The board's report may include a proposed resolution for consideration by the Village Council as a vehicle for adopting the recommendations of the board.

- (f) The public and board members shall be given notice at least 48 hours prior to any special board meetings. Generally, at least ~~three~~ seven days notice shall be given to the public and board members of regular board meetings. The public shall be notified of board meetings by posting at Village Hall. The public notice shall advise of the potential for attendance of one or more Village Council members at the meeting of the board. Village staff shall notify board members of board meetings by telephone or mail or fax or email or hand delivery. A written agenda shall be prepared and distributed by assigned Village staff liaison for each board meeting. Special board meetings may be called by the ~~Chairman~~ Chairperson or by a majority of the board members. All board proceedings shall comply with F.S. § 286.011 (the "Sunshine Law"). Written minutes shall be promptly prepared and kept of all board meetings and shall be submitted to the Village Clerk who shall be responsible for the preservation of such minutes. The Village staff liaison, or in the absence of a Village staff liaison, the board Secretary, that is assigned to a board is shall be responsible for preparing and forwarding the minutes to the Village Clerk.
- (g) Unless otherwise provided by the ordinance which created the board, members of boards who are absent from three regularly scheduled meetings of the board in any one calendar year shall be automatically removed from the board. Each board shall determine which meetings are considered as the "regularly scheduled meetings". Board members who are removed through this process may be reappointed by the Mayor subject to approval of the Village Council.

- (h) ~~Unless prohibited by Article II, Section 5(a) of the Florida Constitution (the dual office holding prohibition), a person~~ Board members must be residents of the Village and may only serve on more than one board.
- (i) A board has no power to discipline its members for improper conduct related to its proceedings. Any such incident of misconduct ~~shall~~ may be reported to the Village Clerk, who shall report the incident to the Village Council. This shall not diminish the authority of the board ~~Chairman~~ Chairperson to maintain order at meetings.
- (j) Unless otherwise provided in the ordinance which established the board, a majority of the board members shall constitute a quorum. No business shall be conducted unless a quorum is present, other than by a committee of the whole process which may be invoked when a quorum fails to attend a regular meeting. Any vote by the committee of the whole shall be preliminary and non-binding and shall be subject to subsequent ratification by a quorum of the board at a duly held meeting.
- (k) A board may adopt rules of procedure governing its conduct which do not conflict with either the fundamental parliamentary procedures of Roberts Rules of Order or with this section. Each board shall appoint a Chairperson, Vice Chairperson and Secretary who may engage in discussions, make motions and vote on items before the board in the same manner as other board members. This section shall prevail over any conflicting provision of Roberts Rules of Order.
- (l) The Village Clerk shall keep current records of board membership, including records of each board member's term, contact information, and resume, if applicable. The Village Clerk shall notify the Village Council when a board vacancy is created and when ninety days remain on a board member's term. Upon a board member resigning, the board member shall immediately inform the Village Clerk of their resignation.
- ~~(m) No person that is a relative of a Councilmember may be appointed to a board. Any existing board member serving on a board that is a relative of a Councilmember shall be permitted to serve until the expiration of their term, but may not be reappointed thereafter. For purposes of this subsection, the term "relative" means an individual who is related to the Councilmember as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.~~
- ~~(n) No person shall serve on a board who is registered as a lobbyist in the Village or who is an owner, officer, or director of a business entity that is in a contractual relationship with the Village.~~

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the

Village's Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

Section 5. **Conflicts.** That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. **Effective Date.** That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the 16th day of November, 2021.

PASSED AND ADOPTED on second reading on the 7th day of December, 2021.



MICHAEL W. DAVEY
MAYOR

ATTEST:


JOCELYN B. KOCH
VILLAGE CLERK



APPROVED AS TO FORM AND LEGALITY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA

COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

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in the XXXX Court,
was published in said newspaper in the issues of

11/26/2021

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

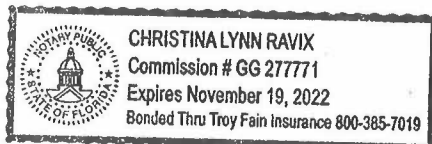
Guillermo Garcia

Sworn to and subscribed before me this
26 day of NOVEMBER, A.D. 2021

C. Ravix

(SEAL)

GUILLERMO GARCIA personally known to me



VILLAGE OF KEY BISCAYNE OFFICE OF THE VILLAGE CLERK PUBLIC NOTICE

Notice is hereby given that the following ordinance will be considered on Second Reading by the Village Council of the Village of Key Biscayne at a meeting to be held on Tuesday, December 7, 2021 at 6:00 p.m., in the Council Chamber, located at 560 Crandon Boulevard, Key Biscayne, Florida:

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 2-10, "ADVISORY BOARDS," OF CHAPTER 2 OF THE VILLAGE CODE OF ORDINANCES RELATING TO ADVISORY BOARD ADMINISTRATION AND BOARD MEMBER REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

The proposed ordinance may be inspected by the public at the Office of the Village Clerk. Interested parties may appear at the Public Hearing and be heard with respect to the proposed Ordinance. Any person wishing to address the Village Council on any item at this Public Hearing is asked to register with the Village Clerk prior to that item being heard. Or any person wishing to address the Village Council on any item at this Public Hearing may call (305) 365-7569, Zoom Meeting ID: 231 627 8415 and be heard with respect to the proposed Ordinance.

In accordance with the Americans With Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Office of the Village Clerk, 88 West McIntyre Street, Suite 220, Key Biscayne, Florida 33149, telephone number (305) 365-5506, not later than two business days prior to such proceeding.

Should any person desire to appeal any decision of the Village Council with respect to any matter to be considered at this meeting, that person shall insure that a verbatim record of the proceedings is made including all testimony and evidence upon which any appeal may be based (F.S. 286.0105).

Comments of any interested party relative to this matter may be submitted in writing via email to publiccomments@keybiscayne.fl.gov or presented in person at the public hearing.

Jocelyn B. Koch
Village Clerk

11/26

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